

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)
)
) CAUSE NO. 3:09-CR-88(01) RM
)
JERMEL C. THOMAS)

OPINION and ORDER

Jermel Thomas pleaded guilty to being a felon in possession in violation of 18 U.S.C. § 18 U.S.C. 922(g)(1), and was sentenced on October 21, 2010 to 120 months imprisonment. Mr. Thomas expressly waived his right to appeal and to contest his conviction and sentence or the manner in which his conviction and sentence were determined or imposed in his plea agreement, but now asks leave to appeal his sentence *in forma pauperis*.

The appointment of CJA counsel during previous proceedings doesn't automatically entitle Mr. Thomas to proceed *in forma pauperis* on appeal. See FED. R. APP. P. 24(a)(3)(A). Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be permitted to proceed on appeal *in forma pauperis* unless the court "certifies that the appeal is not taken in good faith." Good faith means "a reasonable person could suppose the appeal has some merit," Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000), which is to say the appeal is non-frivolous. See Lee v. Clinton, 209 F.3d 1025, 1027 (7th Cir. 2000).

Mr. Thomas knowingly and voluntarily waived his right to appeal his sentence when he pled guilty before this court. Because no reasonable person

could find that his appeal has any merit, the court concludes that the appeal is not taken in good faith, and DENIES his motion for leave to appeal *in forma pauperis* [Doc. No. 69].

SO ORDERED.

ENTERED: November 4, 2010

/s/ Robert L. Miller, Jr.
Judge
United States District Court